

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Structure and Practices of the Video Relay</b>	)	<b>CO Docket No. 10-51</b>
<b>Service Program</b>	)	
	)	

**COMMENTS OF A DEAF CONSUMER**

**“Structure and Practices of the  
Video Relay Service Program”**

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## **Table of Content**

<b>Summary.....</b>	<b>3</b>
<b>Company-Specific Compensation.....</b>	<b>4</b>
<b>Videophone Equipment.....</b>	<b>4</b>
<b>Outreach and Marketing Costs.....</b>	<b>5</b>
<b>Research and Development Costs.....</b>	<b>6</b>
<b>Interpreter Training.....</b>	<b>6</b>
<b>White Labeling.....</b>	<b>7</b>
<b>Certification.....</b>	<b>7</b>
<b>Conclusion.....</b>	<b>7</b>

## Summary

It is a truly glorified time that FCC has shown their ambition to revamp the Video Relay Service industry which has been surrounded by negativity due to abuses by some VRS providers. It is time to clean the mess and make VRS reliable and equitable for the Deaf/Hard of Hearing community of the United States of America. The community has shown frustration in the industry due to lack of integrity by several VRS providers. There are areas of concern that need to be addressed, such as compensation. VRS has shown abuse and fraud with regard to usages which is insulting and manipulative to the Deaf community, while we desperately strive to be truly accessible into the regular world.

To ensure true fair competition, FCC would need to consider keeping their realistic, cost effective, multi-tier plan. This would allow for fair competition while preventing over-compensation as it has shown in the past. In the meantime, it is essential to make sure the VRS providers are not being reimbursed for taking out loans to pay their owners/investors a dividend or payment in kind or outrageously high interest payments. That is an outrageous disrespect to the Deaf/Hard of Hearing community.

A major VRS provider has used the equipment distribution program to their benefit by enticing their customers and manipulating/coercing them into using their services. This does not allow for true preferred provider choice. This particular VRS provider has taken our hands and tied them behind our backs for several years. It is time for FCC to help the Deaf/Hard of Hearing community to break those tied hands and become a truly functionally equivalent community by offering variety of product choices to use.

Marketing practices are another issue. Currently, the marketing practices of the VRS industry are absurd! Some providers are using guerilla tactics by bad mouthing their competitors; it has shown the community the true colors of the VRS providers. Many people in the community are becoming disgusted with the way those VRS companies choose to market. VRS providers are getting paid from the TRS Fund which has enabled them to go crazy when recruiting customers. It does NOT limit them to conducting a real marketing campaign reflecting the true offerings of the vendor. It is time for FCC to start taking control over the marketing campaigns by authorizing third party, neutral vendors to oversee a marketing/outreach run instead of concerning on the return of investment.

White-Labeling has become a concern, out of control, with so many companies signing up, under a certified provider, to provide VRS services. It has become a farce in the community. At a major event, there are disproportionate numbers of VRS providers exhibiting. The Deaf/Hard of Hearing community needs to realize that because we are not in the majority as compared to the general world, the number of VRS providers is out of proportion to the number of community users. It is time to reduce them and filter the VRS Providers scene.

Furthermore, it is time for FCC to start cracking down on the VRS industry by mandating reasonable access, functionally equivalent services, industry integrity shield, and preventing out of control marketing tactics.

## **Company-Specific Compensation**

FCC should monitor and maintain their Multi-Tier rate plan to ensure fair reimbursement rate and competition among the VRS providers, with an understanding that the minutes need to be better spaced out.

Example:

0-99,999 Minutes @ rate#1  
100,000 – 349,999 Minutes @ rate #2  
350,000 – 1,249,999 Minutes @ rate #3  
1,250,000 to 2,999,999 Minutes @ rate #4  
3,000,000 and above @ rate #5

In no way should the FCC consider a one tier rate plan (Sorenson's proposal) because it would definitely over compensate certain providers, favoring on the biggest VRS providers and neglecting the other VRS providers. It is a known fact that the bigger they are, the better buying power they obtain. History has proven on many times that the bigger the players are the more they are able to obtain more clout with their vendors. Perfect examples are: Microsoft, Apple and Dell Computers.

FCC should do an actual cost projection based on the previous year numbers plus certain reasonable percentage for adjusted future cost of living expenses.

## **Videophone Equipment**

The biggest VRS provider, Sorenson, did not become the biggest by true consumer choice. They became the biggest because they enticed their customers with free videophone equipment, coerced, and manipulated the interoperability issues for the past few years.

To prevent this from happening again, I am in a favor of having the FCC to order all the hardware manufacturers to develop an interoperability factor. Then the FCC could require all providers to utilize the 10 digit number as currently being used in products provided by Video Relay Service providers. This would be similar to the wireless/landline phone market.

The Deaf community needs to become 100% functionally equivalent. How can FCC make that happen? They need to look at the current Wireless/Landline based Phone Market which has over 50 different models and yet they all are functionally equivalent by calling each other without compatibility issues.

This will prevent one provider from continuing to dominate the VRS industry. Sorenson has proven on several occasions that they are taking their time or not taking any action at all to ensure interoperability with different products while arguing and resisting FCC's efforts to ensure interoperability. Even today, there are still issues that Sorenson has not fully obliged with regard to interoperability, such as video quality issues between two different products.

The best way to do this is by ensuring the hardware manufacturers, such as Polycom, Tandberg, & others, follow the direction that wireless/landline phone manufacturing companies have taken. Meanwhile, those companies would be allowed to charge a purchase price, and which can be covered by voucher issue as defined below. Each product can come with their own unique approach along with a 10 digit number and allow the Deaf consumers to pick the product of their choice.

FCC should also consider a voucher program to ensure low income Deaf people have their choice of equipment available. They would then use the vouchers to purchase the equipment fees if necessary, instead of VRS providers using their equipment as a tool to gain VRS customers.

In a nutshell, I do not agree that any VRS provider should be in the hardware equipment business; however they can continue to develop software to provide some incentives to choose their services. VRS companies should focus on their core goal which is to provide VIDEO RELAY SERVICE as well as ensuring the best service possible. Enticing their customers into using their hardware product and offering a low end VRS service experience has NOT worked.

By ordering all the manufacturers and software products to become interoperable, it will then become an ideal world for the Deaf & Hard of Hearing consumers because all Video Phones will be interoperable among their hearing co-workers, friends, peers, and family members. At the same time, there will be NO hardware cost issue considered for the VRS providers. It definitely would reduce the real expense of maintaining a VRS business.

### **Outreach and Marketing Costs**

I fully agree with comments from the Consumer Groups; Telecommunications for the Deaf and Hard of Hearing, Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, and American Association of the Deaf-Blind, with one slight modification.

#### ***“Education and Outreach Activities Should be Provided by a Neutral Third Party Contractor”***

Suggested modification would be that FCC obtain, regionally based (several), Neutral Third Party Contractors instead of ONE company to provide nationwide. Rationale, this will have a more positive outcome for Deaf/Hard of Hearing consumers. A nationwide group would be less sensitive to the consumer needs whereas regionally based contractors would be better equipped to serve their core consumer groups.

Today’s VRS Outreach and Marketing is out of control. This type of marketing happens more on the equipment/software products. I do not see these companies market their own VRS services. Many do not even market VRS. They just market equipments/software.

I am frustrated and disgusted with the competitors backstabbing each other, showing lack of respect, and lack of integrity among competitors. I have personally witnessed a VRS company doing black market type marketing at local events while the event was being sponsored by another company. I found this action extremely insulting and disrespectful on all levels.

It would be wise to have a several (regionally based) neutral third party contractors to provide marketing on VRS availability, variety of VRS companies, and outreach to those deaf consumers on how to get their own video phone products. VRS companies can provide their own branding VRS marketing instead of backstabbing each other. VRS providers can then focus on the true goals of their business to prove themselves as better and/or above their competitors.

### **Research and Development Costs**

FCC should encourage operational costs to be part of the reimbursable rate such as: developing a certain brand to ensure marketability of their VRS service, developing a better platform, Video Conferencing Software for their customers, and working conditions for their interpreters, since that is a vital part of their operation. Without these costs applied, VRS Companies will not be able to design platforms or branding concepts to identify themselves separately from their competitors.

VRS Companies should incorporate the expenses of developing a back end platform, interpreter station, and whatever other expenses involved in their actual operation. The only thing they should NOT incorporate is expenses related to consumer equipment as this will entice their customers into loyalty and usage however they should be able to incorporate the expenses of developing video conferencing software since it can be a minimal expense compared to developing hardware. Software solutions could easily be integrated into back end system to benefit the VRS Company and their customers.

VRS companies at any expense, not be allowed to recover any expenses for any video phone hardware equipment costs, installation staff expenses, repair service calls, because it is directly in part of enticing their customers into using their own VRS brand.

VRS companies may not recover any loans payments or interest payment expenses that directly or partially pay out dividends or payments in kind (PIK) to their investors. Rationale: NECA(TRS) funds are gathered from the telephone companies and this represent the hard working companies who paid into the TRS fund. Meanwhile, the VRS providers are enticing their customers with free services in order to get paid by a third party (TRS fund). This does not reflect TRUE American businesses of marketing to customers and earning profit the American way, just like AT&T, Verizon, and many others.

### **Interpreter Training**

The Deaf community is screaming for free-lance interpreters! Many VRS providers limit their interpreter's free-lancing access for Video Relay Service interpreting while community based interpreting is facing a major shortage. It would be wise for FCC to roll up their sleeves and help ensure that sign language interpreting training programs churn out their future qualified interpreters by considering a grant program funded by the TRS Fund in partnership with the Department of Education to ensure a pool of interpreters coming into the field. This will help various programs in the country to train future interpreters. VRS companies should not be burnt by the expense of training the future interpreters due to the fact that; VRS companies would likely tie them into a contractual obligation in

serving a particular company for a certain amount of time. This will not help the need for more interpreters in community.

### **White Labeling**

That is an interesting phrase. I have come to realize that there are many companies doing “white labeling” VRS at the moment with zero intent of becoming an FCC certified provider. They are considered fly by night operations because they are not willing to extend extra expenses to become a certified provider. As for the current White Label VRS providers, I would like to see FCC regulate those businesses immediately by forcing them to obtain insurance and be bonded on the grounds that they have full intention of becoming a certified provider.

FCC should limit up to a 2 year Provisional certification on the grounds that they become bonded and insured before getting the provisional certificate. This will definitely filter shady operations immediately, because they would not be able to recoup their upfront costs immediately and be shown for their true integrity.

### **Certification**

**“All VRS Providers Must be Certified and the Annual Reports From Providers Should be Made Available to the Public” as suggested by** the Consumer Groups; Telecommunications for the Deaf and Hard of Hearing, Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, and American Association of the Deaf-Blind. This would be an ideal concept for all of us.

I concur that those currently certified providers would need to go through re-certification process every 5 years to ensure they do not lose the intended concept of being a VRS provider.

### **Conclusion**

It is time for FCC to grab controls back from the VRS industry and ensure a fair and level playing ground. FCC should not show any favoritism toward any providers. FCC must ensure that fraudulent VRS providers will be chased out of business and support truly functionally equivalent access for the Deaf/Hard of Hearing community.

It is time to shake down the biggest provider, Sorenson! Put a stop to their outrageous financial practices, such as obtaining a loan to pay dividends or payments in kind to the owners, thus building a higher debt ratio for the company. Sorenson has tried manipulating FCC into their own back pockets in the past and it is time for FCC to stand firm and break free from Sorenson’s control. The best way to deny Sorenson is to continue what FCC has always believed in the past, that the equipment distribution and its relevant cost is not to be part of the reimbursed allowed costs. This practice entices their (Sorenson’s) customers into false loyalty and security with Sorenson.

FCC also needs to ensure stability in the outreach and marketing aspects unlike what it has been happening for the past few years. The best way to do that is to contract with several independent, neutral third party companies to

provide outreach and marketing. This will allow the industry to return to their real goal which is to seek out Deaf/Hard of Hearing people and assist them to become a truly functionally equivalent, individual person.

Equipment distribution needs to be handled in the same fashion as the general (hearing) public is accustomed to, instead of tying them to a VRS provider who has a bottom line concern of making profit. This will enable everybody to have equal access Deaf, Hearing and/or Hard of Hearing. There are people who would use the products to communicate with their friends, clients, peers and co-workers on a TRULY functionally equivalent access ground.

We also need to ensure all the VRS providers have a true intention of serving the Deaf community by mandating a certification process instead of allowing so many white labels. It makes the Deaf community dizzy with all the outrageous VRS providers out there at the moment! .

Once these things are implemented, VRS as an industry will be considered a fair playing field for any players who would like to continue or start on a fair and competitive field. The Deaf and Hearing of Hearing community then will be truly functionally equivalent...FREEDOM!